

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. In January of this year, PATH became aware that the father stopped receiving SSI benefits and started receiving Social Security disability benefits of \$748 per month. PATH determined that this income had to be counted for purposes of RUFA benefits and recalculated their eligibility as a four person household. It was determined that this four person household had needs of \$1,447 per month and that the payment

level would be \$724.94 per month. (Fifty-one percent of total needs.) Since the family's income of \$748 is greater than the payment amount, they were denied ANFC benefits.

3. PATH notified the petitioner by letter dated January 10, 2003 that the family's Reach UP benefits would cease as of February 1, 2003 due to the increased income.¹

4. The petitioner appealed that decision saying it is unfair to count the income of one of her children's fathers as available to help her and the other child.

ORDER

The decision of PATH is affirmed.

REASONS

PATH's regulations provide that:

A Reach Up assistance group must include one or more eligible dependent children. In addition, the assistance group must include all siblings, including half-siblings, living with the dependent child or children and qualifying under the age criteria, as defined in policy. A parent must be included in the assistance group if the parent lives in the home with a child included in the assistance group. . .

W.A.M. 2242

Under the above regulation, both the petitioner's children, because they are half-siblings, must be included in

her assistance group. Because one of the children's fathers is living in the household he must also be included in the assistance group. Since all income of the household must be included, with certain exceptions, PATH was correct in including the father's Social Security income as available to the whole assistance group. W.A.M. 2252.

One of the kinds of income which is excepted is Supplemental Security Income (SSI). W.A.M. 2255.1(2). That is because that income is considered income-based public assistance, like RUFA. When the father had that form of income, it could not be included. Therefore, he was separated from the group and they were considered as a three person household. Social Security Disability payments are insurance benefits which, unlike SSI benefits, are includible. Although the family only gained \$140 from the Social Security benefits it was forced thereby to lose \$567 in RUFA benefits (although it did result in a Food Stamp increase of about \$200 per month.) The family is \$177 worse off than it was when it received only needs based public assistance benefits, an anomaly which is hard to explain in rational terms.

¹ They were also notified that due to the loss of RUFA benefits their Food Stamps would increase from \$113 to \$359 per month.

In any event, the petitioner's argument that it is unfair for one child's father to in effect support her and a child from another father has been considered by the United States Supreme Court in the context of the public assistance programs and has been upheld as a valid practice. See Bowen v. Gilliard, 483 U.S. 587 (1987).² Even though this change has been harsh for this family, it is clear that PATH has correctly followed its valid procedures for determining the family's eligibility and so the Board is bound to uphold the result. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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² That case involved HHS considering Social Security benefits paid to children from a father's account as being available to another child in the household with a different father.